

**United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

VS.

DONALD TARNAWA

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§

CASE NUMBER 4:03CR144

**ORDER**


Before the Court is the Defendant's *Pro Se* Motion to Appoint Counsel (Dkt. #183) and Motion to Reduce 2023 USSC Amendment (Dkt. #184) wherein the Defendant requests the Court to find the defendant indigent, appoint counsel and consider his request for sentence reduction pursuant to the 2023 USSC Amendment. Having reviewed and considered the request, the Court is of the opinion that said motion should be **DENIED AS MOOT**.

On January 19, 2024, the Federal Public Defender's Office filed a Motion to Appoint Counsel (Dkt. #181) which the Court granted appointing FPD Wayne Dickey (Dkt. #184). It is therefore,

**ORDERED** that because Defendant is now represented by counsel, the Court **DENIES WITHOUT PREJUDICE** without prejudice the Defendant's *Pro Se* motion seeking a sentence reduction (Dkt. #184) pursuant to 18 U.S.C. 3582(c)(2). Although a defendant has the right to choose between pro se representation or attorney representation, a defendant does not have the right to a combination of both. *United States v. Mikolajczyk*, 137 F.3d 237, 246 (5th Cir. 1998) (citing *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir.1978)). Any motion seeking a sentence reduction should be made through appointed counsel, Wayne Dickey.

**IT IS SO ORDERED.**

**SIGNED this 22nd day of March, 2024.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE